

# House Amendment 8027

PAG LIN

1 1 Amend House File 2351 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause, and inserting the following:  
1 4 <Section 1. NEW SECTION. 6A.22 CONDEMNATION OF  
1 5 CERTAIN RESIDENTIAL PROPERTY == DEFINITIONS.  
1 6 1. As used in this chapter and chapter 6B, unless  
1 7 the context otherwise requires:  
1 8 a. "Private development purposes" means the  
1 9 construction of, or improvement related to,  
1 10 recreational development paid for primarily with  
1 11 private funds, housing and residential development, or  
1 12 commercial or industrial enterprise development.  
1 13 b. "Public use", "public purpose", or "public  
1 14 improvement" does not include the authority to condemn  
1 15 residential property for private development purposes  
1 16 unless the owner of the residential property consents  
1 17 to the condemnation.  
1 18 c. "Residential property" means real property  
1 19 which is an owner-occupied single-family dwelling or  
1 20 an owner-occupied dwelling containing no more than two  
1 21 single-family dwelling units, and structures  
1 22 incidental or appurtenant to the dwelling.  
1 23 Residential property does not include any real  
1 24 property declared to be a horizontal property regime  
1 25 under chapter 499B.  
1 26 2. The limitation in subsection 1 on the  
1 27 definition of public use, public purpose, or public  
1 28 improvement does not apply to a slum area or blighted  
1 29 area as defined in section 403.17, or to property  
1 30 necessary for a municipal housing project under  
1 31 chapter 403A, or to the establishment, relocation, or  
1 32 improvement of a road pursuant to chapter 306, or to  
1 33 the establishment of a railway under the supervision  
1 34 of the department of transportation as provided in  
1 35 section 327C.2, or to an airport as defined in section  
1 36 328.1, or to land acquired in order to replace or  
1 37 mitigate land used in a road project when federal law  
1 38 requires replacement or mitigation. This limitation  
1 39 also does not apply to utilities or persons under the  
1 40 jurisdiction of the Iowa utilities board in the  
1 41 department of commerce or to any other utility  
1 42 conferred the right by statute to condemn private  
1 43 property or to otherwise exercise the power of eminent  
1 44 domain.  
1 45 Sec. 2. Section 403.7, Code 2005, is amended to  
1 46 read as follows:  
1 47 403.7 CONDEMNATION OF PROPERTY.  
1 48 A municipality shall have the right to acquire by  
1 49 condemnation any interest in real property, including  
1 50 a fee simple title thereto, which it may deem  
2 1 necessary for or in connection with an urban renewal  
2 2 project under this chapter, subject to the limitations  
~~2 3 on eminent domain authority in chapter 6A.~~ However, a  
2 4 municipality shall not condemn agricultural land  
2 5 included within an economic development area unless  
2 6 the owner of the agricultural land consents to  
2 7 condemnation or unless the agricultural land is to be  
2 8 acquired for industry as that term is defined in  
2 9 section 260E.2. A municipality ~~may~~ shall exercise the  
2 10 power of eminent domain in the manner provided in  
2 11 chapter 6B, ~~and Acts amendatory to that chapter or~~  
~~2 12 supplementary to that chapter, or it may exercise the~~  
~~2 13 power of eminent domain in the manner now or which may~~  
~~2 14 be hereafter provided by any other statutory~~  
~~2 15 provisions for the exercise of the power of eminent~~  
~~2 16 domain.~~ Property already devoted to a public use may  
2 17 be acquired in like manner. However, real property  
2 18 belonging to the state, or any political subdivision  
2 19 of this state, shall not be acquired without its  
2 20 consent, and real property or any right or interest in  
2 21 the property owned by any public utility company,  
2 22 pipeline company, railway or transportation company  
2 23 vested with the right of eminent domain under the laws  
2 24 of this state, shall not be acquired without the

2 25 consent of the company, or without first securing,  
2 26 after due notice to the company and after hearing, a  
2 27 certificate authorizing condemnation of the property  
2 28 from the board, commission or body having the  
2 29 authority to grant a certificate authorizing  
2 30 condemnation. In a condemnation proceeding, if a  
2 31 municipality proposes to take a part of a lot or  
2 32 parcel of real property, the municipality shall also  
2 33 take the remaining part of the lot or parcel if  
2 34 requested by the owner.

2 35 Sec. 3. Section 403A.20, Code 2005, is amended to  
2 36 read as follows:

2 37 403A.20 CONDEMNATION OF PROPERTY.

2 38 A municipality shall have the right to acquire by  
2 39 condemnation any interest in real property, including  
2 40 a fee simple title thereto, which it may deem  
2 41 necessary for or in connection with a municipal  
2 42 housing project under this chapter. A municipality  
2 43 ~~may shall~~ exercise the power of eminent domain in the  
2 44 manner provided in chapter 6B, ~~and acts amendatory~~  
2 45 ~~thereof or supplementary thereto, or it may exercise~~  
2 46 ~~the power of eminent domain in the manner now or which~~  
2 47 ~~may be hereafter provided by any other statutory~~  
2 48 ~~provisions for the exercise of the power of eminent~~  
2 49 ~~domain. Property already devoted to a public use may~~  
2 50 ~~be acquired in like manner. Provided, that no,~~

3 1 ~~However,~~ real property belonging to the state, or any  
3 2 political subdivision thereof, ~~may shall not~~ be  
3 3 acquired without its consent, ~~provided further that no~~  
3 4 ~~and~~ real property or any right or interest ~~therein in~~  
3 5 ~~the property~~ owned by any public utility company,  
3 6 pipeline company, railway or transportation company  
3 7 vested with the right of eminent domain under the laws  
3 8 of this state, shall not be acquired without the  
3 9 consent of ~~such the~~ company, or without first  
3 10 securing, after due notice to ~~such the~~ company and  
3 11 after hearing, a certificate authorizing condemnation  
3 12 of such property from the board, commission or body  
3 13 having the authority to grant a certificate  
3 14 authorizing condemnation.

3 15 In a condemnation proceeding, if a municipality  
3 16 proposes to take a part of a lot or parcel of real  
3 17 property, the municipality shall also take the  
3 18 remaining part of the lot or parcel if requested by  
3 19 the owner.>

3 20 #2. Title page, by striking lines 1 through 4, and  
3 21 inserting the following: <An Act limiting the  
3 22 exercise of eminent domain authority over certain  
3 23 residential property.>

3 24

3 25

3 26

3 27 HEDDENS of Story

3 28 HF 2351.1

3 29 sc/es/25